

# Switzerland

## DISPOSAL OF PROPERTY

*Convention signed at Washington May 18, 1847*

*Entered into force May 18, 1847*

*Ratified by Switzerland July 2, 1847*

*Senate advice and consent to ratification April 26, 1848*

*Ratified by the President of the United States April 29, 1848*

*Ratifications exchanged at Washington May 3, 1848*

*Proclaimed by the President of the United States May 4, 1848*

*Superseded November 8, 1855, by convention of November 25, 1850*<sup>1</sup>

9 Stat. 902; Treaty Series 352<sup>2</sup>

The President of the United States of America, and the Federal Directory of the Swiss Confederation, animated by the desire to secure and extend, by an amicable Convention the relations happily existing between the two countries, have, to this effect, appointed, as their Plenipotentiaries; to wit—the President of the United States of America, James Buchanan, Secretary of State of the United States; and the Federal Directory of the Swiss Confederation, A. C. Cazenove, Swiss Consul at Alexandria; who after the exchange of their full powers, found in good and due form, have agreed upon and signed the following articles—

### ARTICLE I

The citizens of each one of the high contracting parties shall have power to dispose of their personal property, within the jurisdiction of the other, either by testament, donation, or *ab intestato*, or in any other manner; and their heirs, being citizens of the other party, shall inherit all such personal estates, whether by testament, or *ab intestato*, and they may take possession of the same, either personally, or by attorney, and dispose of them as they

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<sup>1</sup> TS 353, *post*, p. 894.

<sup>2</sup> For a detailed study of this convention, see 5 Miller 169.

may think proper, paying, to the respective Governments, no other charges than those to which the inhabitants of the country in which the said property shall be found, would be liable in a similar case; and, in the absence of such heir, or heirs, the same care shall be taken of the property that would be taken, in the like case, for the preservation of the property of a citizen of the same country, until the lawful proprietor shall have had time to take measures for possessing himself of the same, and in case any dispute should arise between claimants to the same succession, as to the property thereof, the question shall be decided according to the laws, and by the Judges, of the country in which the property is situated.

## ARTICLE II

If, by the death of a person owning real property in the territory of one of the high contracting parties, such property should descend, either by the laws of the country, or by testamentary disposition, to a citizen of the other party, who, on account of his being an alien, could not be permitted to retain the actual possession of such property, a term of not less than three years shall be allowed to him to dispose of such property, and to collect and withdraw the proceeds thereof, without paying to the Government any other charges than those which, in a similar case, would be paid by an inhabitant of the country in which such real property may be situated.

## ARTICLE III

The present Convention shall be in force for the term of twelve years from the date hereof; and further, until the end of twelve months after the Government of the United States, on the one part, or that of the Swiss Confederation on the other, shall have given notice of its intention of terminating the same.

This Convention shall be ratified and the ratifications shall be exchanged, at Washington, within twelve months after its date, or sooner if possible.

In faith whereof, the respective Plenipotentiaries have signed the present Convention, and have thereunto fixed their seals.

Done at Washington, this eighteenth day of May, A.D., 1847; and of the Independence of the United States the Seventy first.

JAMES BUCHANAN	[SEAL]
ANT CH <sup>S</sup> CAZENOVE	[SEAL]